IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 744 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAROJBEN SHETHIA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 744 of 1988

MRS KETTY A MEHTA for Petitioner No. 1

MR. K.P. RAWAL, LD. AGP for Respondent No. 1

MR HS MUNSHAW for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/06/2004

ORAL JUDGEMENT

1. While admitting this matter this Court on

28-4-1998 observed as under:-

"2. In view of the fact that there is no explanation with regard to the order dated April 19, 1982 produced at Annexure-A to the petition which clearly shows that the petitioner has been appointed as Child Development Officer, it is difficult to say that the petitioner continued to work as "Mukhya Sevika". Therefore prima facie it appears that the impugned order is that the transfer coupled with reversion, and not an order of transfer simpliciter. There is no satisfactory explanation in the affidavit-in-reply with regard to the reversion in as much as the affidavit-in-reply does not even refer to order dated April 19, 1982 which is produced at annexure-A to the petition. Hence ad-interim relief granted earlier to continue till further orders. "

2. Mrs. K.A. Mehta, learned advocate for the petitioner states that now the respondents are not in a position to implement the decision which has been acted upon for a period of more than fifteen years. It is clarified that the respondents will not implement the said order, and if they are desirous to take any action, they will give appropriate opportunity to the petitioner. With that observation petition is disposed of. Ad interim relief granted earlier shall stand vacated. Rule discharged. No order as to cost.

Dt: 28-6-2004 (K.S. Jhaveri, J)

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